

**REMARKS/ARGUMENTS**

Reconsideration of this application is requested. Claims 4-8 and 18 are in the case.

**I. ELECTION/RESTRICTION**

The election of Group II (claims 4-12 and 18) is hereby acknowledged. Claims 1-3 and 9-17 have been canceled without prejudice to pursuing that subject matter in a separate continuing application.

**II. INFORMATION DISCLOSURE STATEMENT**

It is noted that objections have been made to the PTO-1449 forms submitted on October 10, 2001 and March 18, 2002 in not containing the complete title of the publications. Corrected PTO-1449 forms are being prepared and will be submitted shortly. It is noted, with appreciation, that all of the listed references have been acknowledged in the initialed copies of the PTO-1449's attached to the outstanding Official Action.

**III. PRIORITY**

Objection has been made that the Applicant has not filed a certified copy of the underlying New Zealand priority patent application. In response, a certified copy of that priority patent application was filed during the International Phase of the underlying PCT International Application No. PCT/NZ97/00133, filed October 6, 1997. A copy of the certified copy of the New Zealand priority patent application should be in the file

wrapper of the present application. It is clear therefore that the claim to priority in the present case has been perfected.

#### **IV. CLAIM OBJECTIONS**

Claims 4, 9 and 12 have been objected to in that they depend from claim 1, which has now been canceled. In response, claims 9-12 have been canceled without prejudice, and claim 4 has been amended to replace "claim 1" by "SEQ ID NO:1".

Claim 6 has been objected to in view of the reference to "Figure 1". In response, that language has been replaced by "SEQ ID NO:1".

Claim 10 has been objected to for the reasons stated in paragraph 3 on page 3 of the Action. Without conceding to the merit of this rejection, claim 10 has been canceled without prejudice.

#### **V. THE 35 U.S.C. § 101 REJECTION**

Claims 4-12 and 18 stand rejected under 35 U.S.C. § 101 on alleged lack of utility grounds. That rejection is respectfully traversed.

The Examiner's attention is directed to the multiple references in the specification to the utility of the claimed invention. Moreover, isolation of novel variance of AH CY, such as DD4b5.3, is inherently useful. The identification of novel variants of AH CY provides for the dissection of the mechanisms that underlie normal and abnormal biological functions associated with this enzyme. This, combined with the discovery that expression of DD4b5.3 is restricted largely to dendritic-cells, would cause a skilled

addressee to understand that novel AHCY variants would be very useful, for example for the design of new drugs with immunomodulatory activity.

Withdrawal of the outstanding 35 U.S.C. § 101 rejection is believed to be in order. Such action is respectfully requested.

**VI. THE 35 U.S.C. § 101, FIRST PARAGRAPH, REJECTIONS**

Claims 4-12 and 18 stand rejected under 35 U.S.C. § 101, first paragraph, on alleged lack of enablement grounds. That rejection is respectfully traversed.

Claims 9-12 have been canceled without prejudice, thereby obviating the rejection with respect to those claims. The claims remaining in the application are clearly enabled for the reasons discussed above in connection with the alleged lack of utility rejection. One of ordinary skill would have no difficulty in carrying out the invention as claimed based on the level of ordinary skill in this art taken with the detailed description of the invention as presented in the originally filed application. Withdrawal of the lack of enablement rejection is accordingly respectfully requested.

Claims 4 and 8-12 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. This rejection is also traversed for the above-noted reasons. It is clear that the present applicant was in possession of the claimed invention at the time the application was filed. Withdrawal of this aspect of the 35 U.S.C. § 112, first paragraph, rejection is accordingly respectfully requested.

**VII. THE 35 U.S.C. § 112, SECOND PARAGRAPH, REJECTION**

Claim 11 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. In response, and without conceding to the merit of this rejection, claim 11 has been canceled without prejudice. Withdrawal of this rejection is now respectfully requested.

**VIII. THE ANTICIPATION REJECTION**

Claim 18 stands rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Hillier et al. That rejection is respectfully traversed.

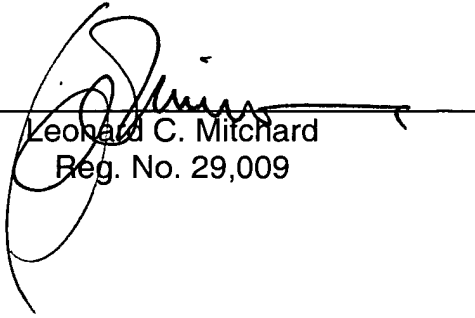
Hillier does not anticipate the subject matter of claim 18. The probe defined by claim 18 clearly encompasses other regions that are disclosed by the prior art. The subject matter of claim 18 is therefore novel over the Hillier disclosure. Withdrawal of the anticipation rejection based on that reference is accordingly respectfully requested.

Allowance of the application is awaited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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